

**RIO DELL CITY COUNCIL
REGULAR MEETING
MAY 4, 2010
MINUTES**

The Regular Meeting of the Rio Dell City Council was called to order at 6:30 P.M. by Mayor Woodall.

ROLL CALL: Present: Mayor Woodall, Councilmembers Dunker, Marks and Thompson

Absent: Councilmember Barsanti

Others Present: Interim City Manager Stretch, Chief of Police Hill, Finance Director Beauchaine, Acting Public Works Director Jensen, Administrative Assistant/Recycling Coordinator Ralston and City Clerk Dunham

CONSENT CALENDAR

Motion was made by Thompson/ Dunker to approve the consent calendar including the approval of minutes of the April 16, 2010 Special Meeting approval of minutes of the April 20, 2010 Regular Meeting; authorizing Capital Project Budget for the Wildwood Ave. Paving and Pedestrian Improvement Project in the amount of \$691,000; approval of Progress Payment Request No. 5 for K. G. Walters Construction Co., Inc. in the amount of \$129,259.69 for work related to the Solids and Disinfection Management Project; approval of the Scope of Work and Cost Estimate for Gutierrez Land Surveying for Lot Line Adjustment and Record of Survey for the Mozzetti and Rovai parcels in the amount of \$9,900; approval of HCAOG Agreement as amended, and authorization for the City Manager to sign the agreement; approval of extension of contract and amendment of terms with Interim City Manager Jim Stretch; approval of appointment of Carla Ralston to the Parks & Recreation Commission; and authorization for the Acting Public Works Director to facilitate the purchase of three (3) maintenance vehicles for the Public Works Department for an amount not to exceed \$11,000. Motion carried 4-0.

Mayor Woodall announced Closed Session Item 0504.13 *Public Employee Appointment –Title: City Manager* would be moved to this portion of the agenda.

ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:

Public Employee Appointment – Title: City Manager (Government Code Section 54957)

Mayor Woodall announced the City Council would be recessing briefly into closed session to discuss the above noted item and asked for public comment. There being no public comment, the Council recessed into closed session at 6:35 P.M.

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The meeting reconvened at 6:50 P.M. Mayor Woodall announced the Council took action in closed session to make a contingent job offer to Ronald Henrickson for the position of City Manager. She stated Mr. Henrickson accepted the job offer and was scheduled to begin on May 17, 2010. She provided background information stating he came highly recommended.

ORDINANCES/SPECIAL RESOLUTIONS

Approve Ordinance No. 266-2010 Extending Interim Urgency Ordinance No. 265-2010 Authorizing a Moratorium on the Legal Establishment and Operation of Medical Marijuana Dispensaries and Repealing Ordinance No. 265-2010

Mayor Woodall opened a public hearing at 6:55 P.M. to receive a report from staff and receive public comment on the proposed ordinance.

Interim City Manager Stretch stated as the Council would recall, action was taken at the April 20, 2010 meeting to approve Interim Urgency Ordinance No. 265-2010 authorizing a moratorium on the legal establishment and operation of medical marijuana dispensaries in response to the request for a business license from a "collective" for a medical marijuana dispensary in the downtown area. The Council referred the matter to the Planning Commission to determine whether the use was allowable in certain zones, or if it would be considered as a new use and if the use was in compliance with the City's General Plan. He said on April 28, 2010 the Planning Commission considered the referral and after receiving public testimony, voted 4-1 to recommend to the City Council that a general prohibition be adopted in the Zoning Ordinance for all medical marijuana dispensaries in the City. He further stated that the Interim Urgency Ordinance requires that a report be provided to the City Council within 30 days of its adoption on April 20, 2010. Since staff did not have sufficient time to respond to the Planning Commission's action and draft an Ordinance for the Council's consideration, the recommendation at this time was to extend the interim urgency prohibition of medical marijuana dispensaries for an additional 10 months and 15 days as allowed in Government Code Section 65858, to give staff time to develop the Ordinance.

Mayor Woodall then asked for public comment on the proposed ordinance. There being no public comment, the public hearing closed at 6:58 P.M.

Motion was made by Dunker/Marks to approve making the necessary finding under Government Code Section 65858 that, to protect the public health, safety and welfare, an urgency measure in the form of an interim ordinance is necessary to prohibit uses that may be in conflict with a general plan, specific plan or zoning proposal that the legislative body or planning commission is considering or intends to study within a reasonable period of time. Motion carried 4-0.

Motion was made by Marks/Thompson to approve Ordinance No. 266-2010 *An Ordinance Extending Interim Urgency Ordinance No. 265-2010 of the City of Rio Dell Authorizing a Moratorium on the Legal Establishment and Operation of Medical Marijuana Dispensaries within the City of Rio Dell Pursuant to Government Code Section 65858, for a period of 10 months and 15 days.* Motion carried 4-0.

Motion was made by Dunker/Marks to repeal Ordinance No. 265-2010. Motion carried 4-0.

SPECIAL CALL ITEMS

Approve the Interim City Manager to Contract with Labor Relations Specialist to Meet and Confer with Employee Organizations and Contract Employees and Direct that the Rio Dell Employees' Association be given first priority for an updated MOU

Interim City Manager Stretch stated it was his intent to meet with the employee organizations and contract employees and negotiate the various contracts thus saving the City the expense of hiring an outside consultant but unfortunately that did not work out do to other pressing issues. He stated the Council's intent to enter into PERS is cause to amend existing agreements in order to replace current provisions concerning the City's contribution into employee's deferred compensation accounts with the PERS benefit. Since the costs are different; the agreements need to be amended. He said his recommendation now is to bring in an outside labor relations specialist to address employee contracts with the first priority directed to the Rio Dell Employees' Association MOU since that contract expired on June 30, 2009. He noted that he was in the process of working with contract employees on their individual contracts and that portion may be off the table. Also, the Police Officers Association notified him of their intent to bring in a professional labor relations specialist to represent them in their negotiations.

Motion was made by Dunker/Marks to authorize the Interim City Manager/City Manager to contact Labor Relations specialty firms to represent the City in its meeting with (2) Employee Organizations on meet and confer matters; and (4) contract City employees, determine their availability and cost, engage a firm if possible, and return to the Council for a budget amendment and contract signing as required; and direct that the Rio Dell Employees' Association be given first priority for an updated MOU. Motion carried 4-0.

Approve Employment Agreement with new City Manager and authorize the Mayor to sign

Interim City Manager Stretch reviewed the terms of the contract for the new City Manager stating it was a standard employment agreement similar to that of other City Department Heads with the exception of a few conditions which he reviewed. He stated that Mr. Henrickson was very cooperative and amenable to the terms.

Councilmember Thompson pointed out that the word "paid" in reference to holidays be deleted. Interim City Manager Stretch said actually Item D. could be stricken from the contract as it wasn't really relevant with the City Manager position being a salaried position.

Motion was made by Marks/Dunker to approve the employment agreement as amended between the City of Rio Dell and the new City Manager, Ronald Henrickson effective May 17, 2010 and authorize the Mayor to sign the agreement. Motion carried 4-0.

PUBLIC PRESENTATIONS

None

REPORTS/STAFF COMMUNICATIONS

Interim City Manager Stretch reported on recent activities and meetings and reminded everyone of the May 11, 2010 meeting at the Monument Middle School to discuss the proposed Scotia annexation stating that flyers were mailed to both Rio Dell and Scotia residents; reported that new forms were created for lot line adjustments and major subdivisions and are currently being used; the information on Monument springs went to the title company for title search and mapping of the springs; and said the draft Open Container Ordinance was circulated for comments before placement on the next agenda.

Finance Director Beauchaine reported on recent activities in the finance department and said she was busy working on the development of the 2010-2011 Budget; with the auditors on the 2009-2010 audit; and reported that she had received the draft scope for Phase I of the Eel River Sawmills Brownfield Grant Project.

Councilmember Marks said the Council approved the Wildwood Ave. Paving and Pedestrian and Improvement Project and asked if funds would be allocated in the next budget for the design phase of the project; Beauchaine explained the Council approved Project I only and that the design was still in the planning stages. Interim City Manager Stretch explained the design phase would be done in another funding cycle and may be deferred pending the availability of funding. He said he would bring back to the Council an update at the next regular meeting.

Chief of Police Hill reported on recent activities in the police department and stated Officer Lungi had completed his field training and Officer Lopez had about a month before completion; one officer was still off work with a knee injury; and announced the department would be working in conjunction with the Community Resource Center and St. Joseph Health Services on May 15th on the Bike Rodeo.

Acting Public Works Director Jensen reported on recent activities in the public works department stating the Wastewater Solids and Disinfection Management Project was coming along as schedule; and reported on the bid opening for the Wildwood Ave. Paving and Pedestrian Project stating that there were four bids received with Mercer Fraser Construction coming in with the low bid followed by Argonaut Construction, Granite Construction and Bess

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Construction. He said staff would be coming back to Council on May 18th with a request to approve the Award of Bid.

Recycling Coordinator Ralston provided an update on upcoming events stating the annual spring clean-up day was to take place on May 8th and that a local church had volunteered to assist with the pick up of items for senior citizens.

She further stated the annual e-waste event was scheduled for June 18th by appointment only and on June 19th on a first come first served basis to take place at the City Downtown Parking Lot.

Lastly, Ralston thanked the police department for their assistance with the Girl Scouts and planting of trees on Earth Day stating the new trees planted at the Davis St. park will offer a beautiful canopy in ten years or so.

Mayor Woodall suggested the nuisance abatement officer hand out flyers to those residents who may need to take advantage of the spring clean-up event.

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Dunker announced the League of California Cities meeting scheduled to be held in Ukiah was cancelled and announced on the ribbon cutting for three new businesses in the City; Docs Pizza, 101 Café, and Primo's Mexican Restaurant.

ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:

- 1) Conference with Labor Negotiator; the City's Designated Representative City Manager Jim Stretch Concerning Performance Evaluation – chief of Police Graham Hill – Report on Possible Salary Adjustment (Government Code Section 54957.6)
- 2) Real Property negotiations (Mozzetti) Property: 24 acre parcel Northwestern Ave. (APN 205-111-031 and a portion of 205-111-033) Agency Negotiator: Jim Stretch, City Manager. Under negotiation: Price, Terms and other Conditions (Government Code Section 54956.8)

Mayor Woodall announced the City Council would be recessing back into closed session to discuss the above noted items and asked for public comment. There being no public comment, the Council recessed into closed session at 7:28 P.M.

The regular meeting reconvened at 8:22 P.M. Motion was made by Dunker/Marks to approve a salary adjustment for Chief of Police Graham Hill of \$61,000 annually beginning May 1, 2010 and to extend his employment contract through September 30, 2010. Motion carried 4-0.

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ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 8:25 P.M. to the May 11, 2010 Study Session at the Monument Middle School.

Julie Woodall, Mayor

Attest:

Karen Dunham, City Clerk